# BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

ANTHONY NAVRAT ) Claimant )	
VS.	Docket No. 100 460
AUTO COLLISION COMPLEX	Docket No. 190,460
Respondent ) AND	
UNKNOWN Commiss	
Insurance Carrier ) AND	
KANSAS WORKERS COMPENSATION FUND	

### ORDER

Claimant appeals from an Order dated September 6, 1994, by which Administrative Law Judge John D. Clark denied claimant's request for preliminary benefits. The Administrative Law Judge found claimant did not establish injury arising out of and in the course of his employment.

### **I**SSUES

Claimant asked the Appeals Board to review the conclusion by the Administrative Law Judge that he has not established accidental injury arising out of and in the course of his employment.

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

- (1) The issue raised by claimant is one subject to review on an appeal from a preliminary order. K.S.A. 44-534a.
- (2) The Appeals Board finds that claimant has not established accidental injury arising out of and in the course of his employment and the Order by the Administrative Law Judge should be affirmed.

Claimant testified that he injured his knee when he slipped on some transmission fluid or anti-freeze while performing duties for respondent on Saturday, June 4, 1994. Review of the record convinces the Appeals Board, however, that claimant was not working for respondent on the Saturday in question. Any work he performed that day would have been on his own car. Injury on that date, if any, did not arise from the performance of any duties for the respondent.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge John D. Clark, dated September 6, 1994, should be, and is hereby, affirmed.

#### IT IS SO ORDERED.

Dated this	day of September, 1995.	
	BOARD MEMBER	
	BOARD MEMBER	
	BOARD MEMBER	

c: Paul D. Hogan, Wichita, Kansas Wallace Davis, El Dorado, Kansas Scott J. Mann, Hutchinson, Kansas John D. Clark, Administrative Law Judge Philip S. Harness, Director